

REMARKS

Claims 1-20 are now pending in the application. Claims 1, 8 and 13 have been amended. Claims 18-20 are added as new. Support for the foregoing amendments can be found throughout the specification, drawings, and claims as originally filed. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 103

Claims 1-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ramsden et al. (EP 1006751 A2) in view of Scholten (U.S. Pub. No. 2003/0218981). This rejection is respectfully traversed.

Claim 1 calls for "adding a VC-Trunk tag indicating that there is congestion at the VC-Trunk in a flow control packet and sending the flow control packet with the VC-Trunk tag to a transmission-end equipment[.]" The Examiner has acknowledged that Ramsden fails to teach the above limitation, but asserts that Scholten teaches the above limitation.

Applicant respectfully submits that Scholten fails to teach or suggest the above limitation. Paragraph [0033] of Scholten at best shows inserting a Pause frame in the stream of ingress frames for client "n" whose FIFO is Almost Full. Even if the Pause frame of Scholten can be considered somehow as relevant to the flow control packet of claim 1 as asserted by the Examiner, Scholten does not teach or suggest adding a tag indicating the client or the stream that is Almost Full in the Pause frame.

In fact, there is no need to add a tag in the Pause frame at all. Paragraph [0033] of Scholten states that "it is detected at node 10 that the egress FIFO 34 for client n is Almost Full [A] Pause frame is inserted in the stream of ingress frames for this client." In other words, the Pause frame of Scholten is inserted exactly in the ingress stream for a client whose egress stream has congestion. Thus, it is not necessary to add a tag in the Pause frame to indicate which client's egress stream has congestion.

Paragraphs [0038] and [0039] of Scholten, which are cited by the Examiner, at best appears to show the structure of the GFP Pause frame. Applicant, however, can find nothing relevant to the feature of "adding a VC-Trunk tag indicating that there is congestion at the VC-Trunk in a flow control packet" of claim 1.

Further, the Examiner asserts that Scholten discloses, in paragraph [0039], a "type identifier" and that the "type identifier" anticipates the "VC-Trunk tag" of claim 1. Applicant respectfully traverses the Examiner's assertion.

The Examiner's attention is respectfully drawn to line 1 of paragraph [0039], which states that "the payload 76 contains a type identifier 88 indicating a Pause message...." In other words, the type identifier of Scholten is used for indicating that the message is a Pause message. In contrast, the "VC-Trunk tag" of claim 1 is used for indicating which VC-Trunk has congestion. Therefore, the "type identifier" of Scholten differs substantially from the "VC-Trunk tag" of claim 1.

In view of the above, Applicant submits that claim 1 defines over the art cited by the Examiner.

Further, the Examiner asserts that col.19, lines 3-5 and col. 20, lines 9-15 of Ramsden disclose “the flow control packet comprises an 802.3x pause frame and the VC-Trunk tag as a header to the 802.3x pause frame” of claim 6. Applicant respectfully traverses the Examiner’s assertion.

The cited portion of Ramsden at best appears to show the structure of the 802.3x pause frame. Applicant can find nothing relevant to “the VC-Trunk tag as a header to the 802.3x pause frame” of claim 6.

In addition, as has been discussed above, the Pause frame of Scholten is inserted exactly in the ingress stream for a client whose egress stream has congestion and it is not necessary to add a tag in the Pause frame to indicate which client's egress stream has congestion. Thus, none of the cited references discloses utilizing the header of a 802.3x pause frame for the VC-Trunk tag as required by claim 6. Therefore, one of ordinary skill in the art would not be able to modify Ramsden based on the teaching of Scholten to use an 802.3x pause frame and the VC-Trunk tag as a header to the 802.3x pause frame to indicate which one of the VCs should be paused.

In view of the foregoing, Applicant submits that claim 1 and its dependent claims 2-7 define over the art cited by the Examiner.

Claim 8 and its dependent claims 9-12 as well as claim 13 and its dependent claims 14-17 define over the art cited by the Examiner for one or more of the reasons set forth above regarding claim 1.

NEW CLAIMS

New claims 18-20 are respectively dependent from claims 1, 8 and 13. Therefore, claims 18-20 define over the art cited by the Examiner for the reasons set forth above regarding claims 1, 8 and 13.

Further, claims 18-20 each recite that the flow control packet is sent through anyone of the plurality of VC-Trunks except for the VC-Trunk which has congestion. In contrast, the Pause frame of Scholten is inserted exactly in the ingress stream for a client whose egress stream has congestion. Thus, the cited art fails to teach or suggest adding a VC-Trunk tag indicating that there is congestion at the VC-Trunk in a flow control packet and sending the flow control packet with the VC-Trunk tag to a transmission-end equipment through anyone of the plurality of VC-Trunks except for the VC-Trunk which has congestion. In view of the foregoing, Applicant submits that claims 18-20 define over the art cited by the Examiner additionally for these reasons.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: December 2, 2008

By: /Joseph M. Lafata/
Joseph M. Lafata, Reg. No. 37,166

HARNES, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

JML/PFD/evm